



7A C#
JW

7217/62364

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Koichi Takeuchi et al.
Serial No. : 09/642,286
Filed : August 18, 2000
For : LENS UNIT AND CAMERA
Group A.U. : 2612
Examiner : Jason T. Whipkey

I hereby certify that this paper is being deposited
this date with the U.S. Postal Service as first class
mail addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Jay H. Maioli
Reg. No. 27,213

Jay H. Maioli
Date
September 21, 2005

September 21, 2005
1185 Avenue of the Americas
New York, NY 10036

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 C.F.R. §1.137(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-identified application has become abandoned for failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.

A FAX copy of the Notice of Allowance was obtained courtesy

of Examiner Jason T. Whipkey on July 12, 2005 and is enclosed as Exhibit A. The Issue Fee Transmittal Form is enclosed as Exhibit B.

The undersigned respectfully petitions for the revival of this application because the Notice of Allowance was not received, as confirmed by a search of the file and docket records.

A copy of the docket record where the Notice of Allowance would have been entered had it been received and docketed is attached as Exhibit C.

Applicants submit herewith a Declaration of Jay H. Maioli In Support of Petition to Revive Unavoidably Abandoned Application under 37 C.F.R. §1.137(a), attached hereto as Exhibit D, a Declaration of Diane Larmon In Support of Petition to Revive Unavoidably Abandoned Application under 37 C.F.R. §1.137(a), attached hereto as Exhibit E, and a Declaration of Jeffrey Diaz In Support of Petition to Revive Unavoidably Abandoned Application under 37 C.F.R. §1.137(a), attached hereto as Exhibit F.

Enclosed herewith also are:

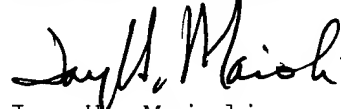
_____ A check for \$500 for the petition fee due under 37 C.F.R. §1.17(1); and

_____ a check for \$1400 for the issue fee.

The entire delay in filing the required reply from the statutory period of three months from the mailing date of the Notice of Allowance until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(a) was unavoidable.

Respectfully submitted,

COOPER & DUNHAM LLP

A handwritten signature in black ink, appearing to read "Jay H. Maioli".

Jay H. Maioli
Reg. No. 27, 213

JHM/JBG

**Notice of Allowability**

Application No.

09/642,286

Examiner

Jason T. Whipkey

Applicant(s)

TAKEUCHI ET AL.

Art Unit

2612

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 25 February 2005.
2. ☒ The allowed claim(s) is/are 1-6, 8-15, 17 and 18 (now renumbered 1-16, respectively).
3. ☒ The drawings filed on 13 September 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

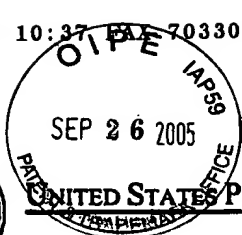
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Wendy R. Garber
 WENDY R. GARBER
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 2600



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

03/14/2005

Jay H Maioli
 Cooper & Dunham LLP
 1185 Avenue of the Americas
 New York, NY 10036

EXAMINER

WHIPKEY, JASON T

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 03/14/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/642,286	08/18/2000	Koichi Takeuchi	7217/62364	7542

TITLE OF INVENTION: STEREOSCOPIC ZOOM LENS WITH SHUTTER ARRANGED BETWEEN FIRST AND SECOND LENS GROUPS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$1400	06/14/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

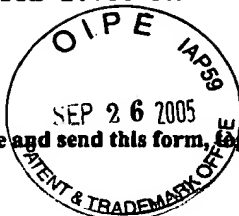
A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590

03/14/2005

Jay H Maioli
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/642,286	08/18/2000	Koichi Takeuchi	7217/62364	7542

TITLE OF INVENTION: STEREOSCOPIC ZOOM LENS WITH SHUTTER ARRANGED BETWEEN FIRST AND SECOND LENS GROUPS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$1400	06/14/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
WHIPKEY, JASON T	2612	348-340000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1	_____
2	_____
3	_____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

9/20/2005

Patent Information Print

Docket No 622564
 Country United States
 Case Type REGULAR CASE TYPE
 Relation Type ORIGINAL OR PATENT CASE
 Filing Type NATIONAL CASE
 Filing No
 Attorney JAY H. MAIOLI
 Agent
 Client\Division SONY CORP. PATENTS DIVISION
 Current Owner 7217
 Prev Own
 Status Filed
 First Filing Dt
 Sub Stat
 Sub Stat Dt
 Parent Country
 Parent Filing Dt
 Parent No
 Parent Grant Dt
 Total Claims
 Ind. Claims

Application # 09/642286
 Application Dt 18AU2000
 Patent No
 Grant Dt
 Publication #
 Publication Dt
 Assigned
 Expiration Dt
 Conv Type
 Tax Base Dt
 Next Tax Dt
 Associate
 Oper Grp
 Ag Ref No
 Verified
 Customer
 Create Dt
 Update Dt
 Update Tm
 Update User
 Update Type

N
 D4PP
 13JL2000
 09SE2005
 1210
 DSL

Actions

Action	NATIONAL FILING DATE	Comp Dt
Act Due Date	20AU2000	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	CHECK DECL./REFUND(if needed)	Comp Dt
Act Due Date	18OC2000	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	INFORMATION DISCLOSURE STATE	Comp Dt
Act Due Date	18NO2000	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	MISSING PARTS DUE	Comp Dt
Act Due Date	06DE2000	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	EXTENSION TO RESP TO NTC OF	Comp Dt
Act Due Date	06JA2001	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	EXTENSION TO RESP TO NTC OF	Comp Dt
Act Due Date	06FE2001	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	EXTENSION TO RESP TO NTC OF	Comp Dt
Act Due Date	06MR2001	Resp Atty #1
Taken Dt	13FE2001	Resp Atty #2
DeadLn Dt		
Action	8mo FOREIGN FILING REMINDER	Comp Dt

Act Due Date	18AP2001	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	10mo FOREIGN FILING REMINDE	Comp Dt
Act Due Date	18JE2001	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	11mo FOREIGN FILING REMINDER	Comp Dt
Act Due Date	18JL2001	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	12mo FOREIGN FILING DEADLINE	Comp Dt
Act Due Date	18AU2001	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	1st OA - 3 MONTH RESPONSE DU	Comp Dt
Act Due Date	11JE2004	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	1st OA - 4 MONTH RESPONSE DU	Comp Dt
Act Due Date	11JL2004	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	1st OA - 5 MONTH RESPONSE DU	Comp Dt
Act Due Date	11AU2004	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	1st OA - 6MO FINAL DEADLINE	Comp Dt
Act Due Date	11SE2004	Resp Atty #1
Taken Dt	10SE2004	Resp Atty #2
DeadLn Dt		
Action	RESPONSE TO FINAL REJ. - 3rd	Comp Dt
Act Due Date	25AP2005	Resp Atty #1
Taken Dt	23FE2005	Resp Atty #2
DeadLn Dt		
Action	DRAWINGS REQUIRED OR DUE	Comp Dt
Act Due Date	05JE2005	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	NOTICE OF APPEAL DUE	Comp Dt
Act Due Date	25JL2005	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	PETITION TO REVIVE DUE	Comp Dt
Act Due Date	02NO2005	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	FILING RECEIPT RECEIVED	Comp Dt
Act Due Date		Resp Atty #1
Taken Dt	07MR2001	Resp Atty #2
DeadLn Dt		

Action NOTICE OF ABANDONMENT Comp Dt
Act Due Date 02SE2005 Resp Atty #1
Taken Dt Resp Atty #2
DeadLn Dt

Act Notes
PROCESSED 9/9/05

Action Final rejection filed Comp Dt
Act Due Date 23FE2005 Resp Atty #1
Taken Dt Resp Atty #2
DeadLn Dt

Action FILING RECEIPT RECEIVED Comp Dt
Act Due Date 16OC2000 Resp Atty #1
Taken Dt Resp Atty #2
DeadLn Dt

****Inventors****

Inv Name KOICHI TAKEUCHI, et al Assigned

****Related Id****

System	Patent	RL Type		
Docket No	62364	Filing Type		
Ctry	USA	Filing No		
CS Type		Remarks	From 62364	USA

System	Patent	RL Type	D	
Docket No	62364-Z	Filing Type		
Ctry	USA	Filing No		
CS Type		Remarks	From 62364	USA

****Title****

Title
LENS UNIT AND CAMERA (S00P0973US00)



7217/62364

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Koichi Takeuchi et al.
Serial No. : 09/642,286
Filed : August 18, 2000
For : LENS UNIT AND CAMERA
Group A.U. : 2612
Examiner : Jason T. Whipkey

Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036

DECLARATION OF JAY H. MAIOLI IN SUPPORT OF PETITION TO REVIVE
UNAVOIDABLY ABANDONED APPLICATION UNDER 37 C.F.R. §1.137(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Jay H. Maioli, hereby declare as follows:

1. I am, and was at all relevant times referred to below, registered to practice before the United States Patent and Trademark Office ("PTO"), and the attorney of record for the above-identified application.
2. On January 31, 2005, we received a Final Office Action dated January 25, 2005 in the above-identified application (attached hereto as Exhibit G). In response to the Final

Office Action of January 25, 2005, we filed an Amendment After Final on February 23, 2005 (attached hereto as Exhibit H).

3. Not having received a Notice of Allowance or an Advisory Action in the above-identified Application, approximately two weeks before the expiration of the six-month period following the issuance of the Final Office Action, I instructed our Associate Pedro Fernandez to speak with the Examiner to determine the state of the Application.
4. On or shortly before July 12, 2005, Mr. Fernandez spoke with Examiner Jason T. Whipkey of Art Unit 2612. Examiner Whipkey told Mr. Fernandez that according to PTO records, a Notice of Allowance was mailed on March 14, 2005. Examiner Whipkey agreed to fax us a copy of the Notice of Allowance and agreed to send us a second Notice of Allowance with a new three-month period in which to pay the issue fee.
5. On July 29, 2005, Examiner Whipkey contacted me and informed me that he could not send another Notice of Allowance and that we would need to file a Petition to Revive in order to pay the Issue Fee.
6. It is my experience and belief that all mail addressed to me and received by our firm from the PTO is first processed, including stamping it with the date of receipt,

by our docketing department on the day it is received by the firm or on the next business day, before it is relayed to me via our intra-firm mail system.


7. The procedure that I have followed routinely for more than 20 years, including at all relevant times referred to herein, for handling mail I receive through our intra-firm mail system for the PTO is described below.
8. For each item of mail that I receive from the PTO, I routinely determine the following at the time I read the item: (a) the mailing date of the item, if so indicated; (b) the date on which it was received by our firm as stamped on the item by our docketing department; (c) whether action, such as a response to be filed with the PTO, is required and (d) if such response is required, the due date for the response.
9. At or about the time I determine the due date for a response to be filed with the PTO, I write the following information in my monthly planner in the square corresponding to the due date: (a) our docket number for the application in connection with which the response is due on that date; and (b) identification of the attorney that is to prepare the response.
10. I have looked through my 2005 monthly planner and found

that the six-month Notice of Appeal period set by the Final Office Action of January 25, 2005 is still open.

11. Therefore, it is my belief that I did not receive the Notice of Allowance that was allegedly mailed by the PTO on March 14, 2005.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 09-21-05


Jay H. Maioli
Reg. No. 27, 213
1185 Avenue of the Americas
New York, NY 10036
(212) 278-0400



7217/62364

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Koichi Takeuchi et al.
Serial No. : 09/642,286
Filed : August 18, 2000
For : LENS UNIT AND CAMERA
Group A.U. : 2612
Examiner : Jason T. Whipkey

Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036

DECLARATION OF DIANE LARMON IN SUPPORT OF PETITION TO REVIVE
UNAVOIDABLY ABANDONED APPLICATION UNDER 37 C.F.R. §1.137(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Diane Larmon, hereby declare as follows:

1. I am currently, and have been since the start of my employment in October 2004 at the firm of Cooper & Dunham LLP, 1185 Avenue of the Americas, New York, New York 10036 ("Cooper & Dunham"), working in the docketing department at the firm and have since September 2005 been in charge of the docketing department.
2. Since the start of my employment at Cooper & Dunham,

each person employed in our docketing department has been trained to follow, and to my knowledge follows, our procedures for processing mail received from the United States Patent and Trademark Office ("PTO"), as described below. Based on information and belief, these same procedures have been in place and followed by our docketing department for many years.

3. On information and belief, it has been the procedure of the docketing department at Cooper & Dunham to obtain all mail received from the PTO directly from the Cooper & Dunham mailroom as soon as it is received from the Post Office. Such mail is processed by our docketing department in the manner described below on the same day or, if the mail is received late, on the next business day.
4. For each item of mail received from the PTO, our docketing department processes the item as follows: (a) stamp the date of receipt of the item on the first page of the item; (b) identify the attorney responsible for handling prosecution of the application, and, if the attorney is not the addressee of the item of mail, write the initials of the attorney who is responsible at the top-right corner on the first page of the item; (c) make a photocopy of the first page, and in a few instances additional selected pages, of

the item and place the photocopy in the file system of our docketing department for storing such photocopy pages, which is organized with separate folders for each attorney and chronologically within each file; (d) determine the type of action of the item received and enter the action type in our computer docketing system; (e) determine the due date of any action that must be taken, such as payment of issue fee in response to a Notice of Allowance, and if any such actions are required, enter in our computer docketing system the due dates for the corresponding actions; and (f) place the item directly in the in-tray of the appropriately indicated attorney.

5. Attached hereto as Exhibit C is a copy of a computer printout of our docketing record on Sep. 20, 2005, from our computer docketing system, corresponding to the above-identified patent application.
6. As shown in Exhibit C, a number of actions were docketed in connection with the subject application, including (a) Amendment filed February 23, 2005 in response to the Office Action dated January 25, 2005, (b) a Notice of Abandonment dated September 2, 2005 received from the PTO.
7. As shown in Exhibit C, there is, however, no actions docketed in our system that were due between March 14, 2005

and June 14, 2005 in connection with the subject application.

8. Under my instructions and supervision, our docketing department file system (described in Paragraph 4 herein), including folders therein for all the attorneys of the firm, was searched for a Notice of Allowance dated March 14, 2005 that was mailed from the PTO in connection with the subject application.
9. The collection of photocopy pages of mail received from the PTO during the period of March 1, 2005 through April 1, 2005 that are in our docketing department file system totals to approximately one bankers box. The March 14, 2005 Notice of Allowance was not found in that approximately one box of pages.

Based on the above, it is my belief that Cooper & Dunham did not receive a Notice of Allowance dated March 14, 2005 that was mailed from the PTO in connection with the subject application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false

statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 9/20/05


Diane Larmon



7217/62364

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Koichi Takeuchi et al.
Serial No. : 09/642,286
Filed : August 18, 2000
For : LENS UNIT AND CAMERA
Group A.U. : 2612
Examiner : Jason T. Whipkey

Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036

DECLARATION OF JEFFREY DIAZ IN SUPPORT OF PETITION TO REVIVE
UNAVOIDABLY ABANDONED APPLICATION UNDER 37 C.F.R. §1.137(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Jeffrey Diaz, hereby declare as follows:

1. I am currently and have been continuously since November 22, 2004 in charge of the mailroom at Cooper & Dunham LLP, 1185 Avenue of the Americas, New York, New York 10036 ("Cooper & Dunham").
2. Each person employed in the mailroom at Cooper & Dunham during the period of time that I have been in charge of our mailroom has been instructed to hold all mail received so that

mail from the United States Patent and Trademark Office may be sorted out and picked up by the Cooper & Dunham docketing department.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 9/21/05

Jeffrey Diaz
Jeffrey Diaz



UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 26 2005

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/642,286	08/18/2000	Koichi Takeuchi	7217/62364	7542

7590

01/25/2005

Jay H Maioli
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036

EXAMINER

WHIPKEY, JASON T

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/642,286

Applicant(s)

TAKEUCHI ET AL.

Examiner

Jason T. Whipkey

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

JAN 3 1 2005

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-15, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 7 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

3mo. 4/25/05

4mo. 5/25/05

5mo. 6/25/05

Notice of Appeal: 7/25/05 *sm***Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2612

DETAILED ACTION

Change of Examiner

1. The examiner of record for this application has been changed to Jason Whipkey. Any inquiry regarding this application should be directed to the new examiner. Current contact information is provided in the last section of this communication.

Drawings

2. Corrected drawings were received on September 13, 2004. These drawings are approved and the corresponding objection is withdrawn.

Specification

3. The replacement title is approved and the corresponding objection is withdrawn.

Response to Arguments

4. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new grounds of rejection.

Art Unit: 2612

Claim Objections

5. The examiner notes Applicant's use of the phrase "an optional filter" on line 3 of claim 3. In order to be consistent with the specification and in light of claim 12, the examiner will presume that a typographical error was made. The claim will be treated as if it reads, "an optical filter".

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2612

8. Claims 1-6, 8-15, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura (U.S. Patent No. 5,812,189) in view of Nakamura (U.S. Patent Application Publication No. 2001/0012053).

Regarding **claims 1 and 10**, Kimura discloses a lens (Figure 11) connected to a video camera, including:

a zoom lens (112; see column 9, lines 5-6);

a first lens group (113; see column 9, lines 6-7) located subsequent to said zoom lens;

a second lens group (114; see column 9, lines 11-12) located subsequent to said first lens group;

light quantity adjusting means (the unlabeled part between 113 and 114) arranged between said first lens group and said second lens group;

Kimura is silent with regard to including an electronic optical shutter.

Nakamura discloses:

an electronic optical shutter (liquid-crystal shutter 124 in Figure 8) arranged between a first lens group (see the optical systems in figures 5A-5E) and a second lens group (see the lens adjacent to and including lens 125 in Figure 5F, wherein the optical system of one of figures 5A-5E is connected to camera unit 130; see paragraphs 40-46) and including a first portion corresponding to a right image and a second portion corresponding to a left image (interceptive areas 124a and 124b in Figure 8B; see paragraph 119); and

Art Unit: 2612

an optical shutter driving portion for controlling said electronic optical shutter to open in a predetermined pattern (see *id.*; it is inherent that some sort of driver is necessary to operate the shutter as described).

As stated in paragraphs 7 and 31, an advantage to including a split optical shutter in a camera is that a three-dimensional image may be captured while still using a single aperture. For this reason, it would have been obvious at the time of invention to have Kimura's camera include the optical shutter described by Nakamura.

Regarding **claims 2 and 11**, Kimura is silent with regard to specifically using a diaphragm.

Nakamura shows in figures 5A-5G that light quantity adjusting means (diaphragm 123, which is placed adjacent to shutter 124 when optical system 121 is attached to camera unit 130) comprises a diaphragm for changing a size of an opening mechanically (see paragraph 111).

An advantage to using a diaphragm is that it can precisely control the amount of light permitted to reach an image sensor. For this reason, it would have been obvious at the time of invention to have Kimura's camera include a diaphragm.

Regarding **claims 3 and 12**, Kimura is silent with regard to including an optical filter.

Nakamura teaches that an optical filter may be united with liquid-crystal shutter 124 (see paragraph 135). An advantage to using an optical filter is that image quality can be improved. For this reason, it would have been obvious at the time of invention to have Kimura's camera include an optical filter.

Regarding **claims 4 and 13**, Kimura is silent with regard to placing a shutter next to the light quantity adjusting means.

Art Unit: 2612

Nakamura teaches that an optical filter may be united with liquid-crystal shutter 124 (see paragraph 135). As stated in paragraph 135, an advantage to such a placement is that a more compact design is produced. For this reason, it would have been obvious at the time of invention to have Kimura's camera place the shutter next to the light adjusting means.

Regarding **claims 5 and 14**, Kimura is silent with regard to including first and second liquid shutters.

Nakamura shows in Figure 8B that the electronic optical shutter (124) is composed of first and second liquid shutters (124a and 124b; see paragraphs 128 and 129). Advantages to using liquid-crystal shutters include that they operate rapidly and the possibility of mechanical malfunction is eliminated. For these reasons, it would have been obvious at the time of invention to have Kimura's camera use liquid-crystal shutters, such as the ones described by Nakamura.

Regarding **claims 6 and 15**, Nakamura teaches that the predetermined pattern is switched to a pattern having an opening on the right and a pattern having an opening on the left alternately, corresponding to said first and second portions, respectively (see paragraph 119).

Regarding **claims 8 and 17**, Kimura is silent with regard to using an electronic optical shutter as a light quantity adjusting means.

Nakamura teaches that the electronic optical shutter (124) can be utilized simultaneously as said light quantity adjusting means (see paragraph 140). An advantage to using the shutter as the light quantity adjusting means is that a separate aperture may be eliminated, resulting in a more compact design. For this reason, it would have been obvious at the time of invention to have Kimura's camera utilize an electronic optical shutter as a light quantity adjusting means.

Art Unit: 2612

Regarding **claims 9 and 18**, Kimura is silent with regard to including first and second liquid shutters.

Nakamura shows in Figure 8B that the electronic optical shutter (124) is composed of first and second liquid shutters (124a and 124b; see paragraphs 128 and 129). Advantages to using liquid-crystal shutters include that they operate rapidly and the possibility of mechanical malfunction is eliminated. For these reasons, it would have been obvious at the time of invention to have Kimura's camera use liquid-crystal shutters, such as the ones described by Nakamura.

Allowable Subject Matter

9. Claims 7 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding both of these claims, no prior art could be located that teaches or fairly suggests a lens or camera with a zoom lens, a first lens group located subsequent to the zoom lens, a second lens group located subsequent to the first lens group, light quantity adjusting means located between the first lens group and the second lens group, a two-part electronic optical shutter controlled to open in a predetermined pattern, wherein the pattern changes corresponding to a zoom condition of the zoom lens.

Art Unit: 2612

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Whipkey, whose telephone number is (703) 305-1819 or (571) 272-7321 beginning in late February 2005. The examiner can normally be reached Monday through Friday from 8:30 A.M. to 6:00 P.M. eastern standard time, alternating Fridays off.

Art Unit: 2612


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached at (703) 305-4929. The fax phone number for the organization where this application is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTW

JTW

January 13, 2005


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Notice of References CitedApplication/Control No.
09/642,286Applicant(s)/Patent Under
Reexamination
TAKEUCHI ET AL.Examiner
Jason T. WhipkeyArt Unit
2612

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-2001/0012053	08-2001	NAKAMURA, SHINICHI	348/45
	B	US-5,812,189 A	09-1998	Kimura et al.	348/240.99
	C	US-6,710,801 B1	03-2004	Kubo, Hiroaki	348/240.3
	D	US-6,807,295	10-2004	Ono, Shuji	348/42
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

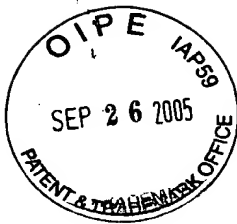
FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



7217/62364

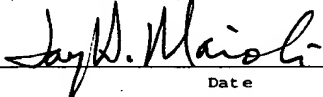
Response under 37 CFR 1.116
Group AU 2612
Expedited Procedure

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Koichi Takeuchi et al.
Serial No.: 09/642,286
Filed : August 18, 2000
For : LENS UNIT AND CAMERA
Group A.U.: 2612
Examiner : Ngoc Yen T. Vu

I hereby certify that this paper is being deposited
this date with the U.S. Postal Service in first class
mail addressed to: Commissioner for Patents, P.O. Box
1450 Alexandria, VA 22313-1450.

Jay H. Maioli
Reg. No. 27,213


Date
February 23, 2005

February 23, 2005
1185 Avenue of the Americas
New York, NY 10036
(212) 278-0400

AMENDMENT AFTER FINAL UNDER 37 CFR 1.116

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Official Action of January 25, 2005,
Applicants respectfully request that the above-identified
application be amended as follows.

Amendments to the claims are reflected in the listing of
claims that begins on page 2 of this Amendment.

The Remarks portion begins on page 6 of this Amendment.

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of the claims in the application:

Claim 1. (Currently Amended) A stereoscopic lens unit comprising:

a zoom lens;

a first lens group located subsequent to said zoom lens;

a second lens group located subsequent to said first lens group;

light quantity adjusting means arranged between said first lens group and said second lens group;

an electronic optical shutter arranged between said first lens group and said second lens group and including a first portion corresponding to a right image and a second portion corresponding to a left image; and

an optical shutter driving portion for controlling said electronic optical shutter to open in a predetermined pattern,

wherein said predetermined pattern changes corresponding to a zoom condition of said zoom lens.

Claim 2. (Previously Presented) The lens unit according to claim 1, wherein said light quantity adjusting means comprises a diaphragm for changing a size of an opening mechanically.

Claim 3. (Currently Amended) The lens unit according to claim 1, wherein said light quantity adjusting means comprises an ~~optional~~ optical filter.

Claim 4. (Previously Presented) The lens unit according to claim 1, wherein said electronic optical shutter is disposed near said light quantity adjusting means.

Claim 5. (Previously Presented) The lens unit according to claim 1, wherein said electronic optical shutter is composed of first and second liquid shutters.

Claim 6. (Previously Presented) The lens unit according to claim 1, wherein said predetermined pattern is switched to a pattern having an opening on the right and a pattern having an opening on the left alternately, corresponding to said first and second portions, respectively.

Claim 7. (Canceled)

Claim 8. (Previously Presented) The lens unit according to claim 1, wherein said electronic optical shutter is utilized simultaneously as said light quantity adjusting means.

Claim 9. (Previously Presented) The lens unit according to claim 8, wherein said electronic optical shutter is composed of first and second liquid shutters.

Claim 10. (Currently Amended) A stereoscopic camera comprising:

a zoom lens;

a first lens group located subsequent to said zoom lens;

a second lens group located subsequent to said first lens group;

light quantity adjusting means arranged between said first lens group and said second lens group;

an electronic optical shutter arranged between said first lens group and said second lens group and including a first portion corresponding to a right image and a second portion corresponding to a left image; and

an optical shutter driving portion for controlling said electronic optical shutter to open in a predetermined pattern;

wherein said predetermined pattern changes corresponding to a zoom condition of said zoom lens.

Claim 11. (Previously Presented) The camera according to claim 10, wherein said light quantity adjusting means comprises a diaphragm for changing a size of an opening thereof mechanically.

Claim 12. (Previously Presented) The camera according to claim 10, wherein said light quantity adjusting means comprises an optical filter.

Claim 13. (Previously Presented) The camera according to claim 10, wherein said electronic optical shutter is disposed near said light quantity adjusting means.

Claim 14. (Previously Presented) The camera according to claim 10, wherein said electronic optical shutter is composed of first and second liquid shutters.

Claim 15. (Previously Presented) The camera according to claim 10, wherein said predetermined pattern is switched to a pattern having an opening on the right and a pattern having an opening on the left alternately, corresponding to said first and second portions, respectively.

Claim 16. (Canceled)

Claim 17. (Previously Presented) The camera according to claim 10, wherein said electronic optical shutter is utilized simultaneously as said light quantity adjusting means.

Claim 18. (Previously Presented) The camera according to claim 17, wherein said electronic optical shutter is composed of [[a]] first and second liquid shutters.

Claim 19. (Cancelled)

REMARKS

Claims 1-6, 8-15, 17, and 18 remain in the application with claims 1, 3, and 10 having been amended hereby and claims 7 and 16 having been canceled without prejudice or disclaimer.

Applicant notes the typographical error appearing in claim 3, and that error has been corrected hereby.

Reconsideration is respectfully requested of the rejection of claims 1-6, 8-15, 17, and 18 under 35 USC 103, as being unpatentable over Kimura in view of Nakamura.

In paragraph 9 of the instant official action, claims 7 and 16 are objected to as being dependent on a rejected base claim but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Claim 1 has been amended hereby to include claim 7 in its entirety. Claim 7 has been canceled.

Claim 10 has been amended hereby to include claim 16 in its entirety. Claim 16 has been canceled.

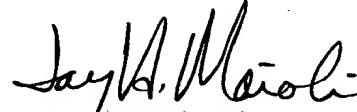
Therefore, by reason of the inclusion of the allowable subject matter in the independent claims in this application, it is respectfully submitted that all claims remaining in this application are now in condition for allowance.

The references cited as of interest have been reviewed and are not seen to show or suggest the present invention as recited in the amended claims.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

COOPER & DUNHAM LLP

A handwritten signature in dark ink, appearing to read "Jay H. Maioli". The signature is fluid and cursive, with the first name "Jay" and last name "Maioli" being clearly legible.

Jay H. Maioli
Reg. No. 27, 213

JHM:tb